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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,184	11/21/2000	Richie D. Barnes	27850-1	1323

7590

12/17/2002

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EXAMINER

PENDLETON, BRIAN T

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/721,184

Applicant(s)

BARNES, RICHIE

Examiner

Brian T. Pendleton

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The previous Office Action, Paper No. 7 is vacated. This Office Action is substituted in its place.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama in view of Parts Express 1998 Catalog, page 260. Murayama discloses a motorcycle equipped with an audio system comprising audio component 12 (tape player), inherent means for conducting power from battery to the audio component, a cowling 1 which receives the audio component, amplifier 6, inherent means for communicating signals from the audio component to the amplifier 6, speakers 19, and means for communicating signals from the audio component to the speakers 19. Murayama does not disclose a capacitor connected in parallel with the motorcycle battery to supplement the battery during peak power demands of the audio component. The Parts Express 1998 Catalog teaches that power supply capacitors can assist a vehicle's power supply in producing large amounts of power to the power amplifier, improving transient response. Thus, one of ordinary skill in the art would have been motivated to provide a capacitor in any vehicle, such as a motorcycle. Their use would have increased power output. Therefore, it would have been obvious to one of ordinary

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skill in the art at the time of invention to provide a capacitor in parallel with the battery of the motorcycle in the invention of Murayama. Claim 1 is met. Per claim 2, the audio component, amplifier and communicating means are in the existing structures of the motorcycle. As to claim 3, there is disclosed a cowling 1. Regarding claim 4, the audio component is a tape player. Per claims 5 and 6, the motorcycle also has a changer unit 11 and FM receiver. As to claims 7 and 8, there is disclosed speakers 19 which are in the cowling 1.

Claims 9, 10, 14-16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popular Mechanics, December 2000 issue, page 152. Under the caption entitled "Motorcycle Radio" is a reprint of a September 1912 issue article. The section teaches a motorcycle having a radio (audio component) mounted in a rack over the rear wheel. The apparatus shown appears to be mounted within a cover or "cowling", however to the extent not explicitly disclosed, providing a cover or "cowling" for electrical components, especially on a vehicle used outdoor would have been obvious. In addition, to the extent not explicitly disclosed, it would have been obvious to one of ordinary skill in the art at the time of filing to provide a battery to supply power for the disclosed radio. It was obvious to one of ordinary skill in the art at the time of invention to supply a speaker for the radio and conduct communication signals from the radio (audio component) to the speaker. Any artisan in audio would have realized the need for a speaker with an audio device. Claims 9 and 16 are met. As to claims 10, 14, 15, 19 and 20, the rack is an existing structure of the motorcycle. The audio component is housed within the rack.

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Claims 11-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popular Mechanics in view of Murayama. Popular Mechanics teaches a motorcycle with a rear cowling housing an audio component connected to a speaker. The audio component is a radio, which was a wireless receiver. The caption does not disclose a CD player, audio cassette player, FM receiver, or any of the audio components claimed by the Applicant. However, such audio components were well known at the time of invention, as evidenced by Murayama, who disclosed a tape player 12 and auxiliary audio component multi-changer unit 11 or FM receiver. Furthermore, those audio components were found in a motorcycle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to substitute the wireless receiver of the motorcycle described in Popular Mechanics with the audio components taught by Murayama. One of ordinary skill in the art at the time of invention would have realized that the receiver in the magazine was antiquated and more advanced audio devices existed and were needed to complement the various forms of audio medium.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

*J. S. R.*

*Forester W. Isen*  
FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
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